

May 21, 2010

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
May 21, 2010

I. OPENING OF MEETING AT 2:48 P.M. AT 400 W. MONROE STREET, SUITE 306,  
SPRINGFIELD, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Betty A. Bukraba, and Ares G. Dalianis (by telephone), Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; Jeff Shuck and Mark Magill, Illinois Department of Central Management Services; Susan Gold (by telephone) and Richard DiDomenico (by telephone), Illinois Department of Financial and Professional Regulation; Lilia Teninty, Illinois Department of Human Services; Lori Elston, Michele Cusumano, and Jay Curtis, Illinois Department of Natural Resources; and Ed Thornton, Bonnie Camacho, and Greg Yurevich.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD APRIL 16, 2010

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 16, 2010.**

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

**A. Report on Exempt Positions**

<u>Agency</u>	<u>Total Employees</u>	<u>No. of Exempt Positions</u>
Aging .....	142.....	10
Agriculture .....	429.....	16
Arts Council.....	19.....	2
Capitol Development Board .....	45.....	0
Central Management Services .....	1,409.....	115
Children and Family Services .....	3,022.....	48
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	419.....	68
Commerce Commission.....	71.....	0
Corrections.....	11,206.....	104
Criminal Justice Authority .....	59.....	5
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	10.....	1
Emergency Management Agency .....	93.....	6
Employment Security.....	1,970.....	29
Environmental Protection Agency .....	924.....	17
Financial & Professional Regulation .....	492.....	41
Gaming Board.....	80.....	5
Guardianship and Advocacy .....	111.....	7
Healthcare and Family Services.....	2,296.....	26
Historic Preservation Agency .....	200.....	11
Human Rights Commission .....	14.....	2
Human Rights Department .....	146.....	9
Human Services .....	13,806.....	75
Insurance.....	232.....	9
Investment Board.....	3.....	1
Juvenile Justice .....	1,226.....	20
Labor.....	82.....	7
Labor Relations Board Educational .....	12.....	2
Labor Relations Board State .....	18.....	2
Law Enforcement Training & Standards Bd.....	17.....	2
Medical District Commission .....	2.....	0
Military Affairs .....	121.....	3
Natural Resources .....	1,270.....	25
Pollution Control Board.....	20.....	1
Prisoner Review Board .....	20.....	0
Property Tax Appeal Board .....	21.....	1
Public Health.....	1,084.....	43
Racing Board .....	2.....	0
Revenue .....	2,020.....	61
State Fire Marshal .....	138.....	12
State Police .....	1,330.....	6
State Police Merit Board.....	6.....	1
State Retirement Systems .....	82.....	2
Transportation.....	2,308.....	0
Veterans' Affairs.....	1,186.....	7
Workers' Compensation Commission .....	173.....	8
TOTALS .....	48,347.....	811

**B. Governing Rule – Section 1.142 Jurisdiction B Exemptions**

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
  - 1) The amount and scope of principal policy making authority;
  - 2) The amount and scope of principal policy administering authority;
  - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
  - 4) The capability to bind the agency, board or commission to a course of action;
  - 5) The nature of the program for which the position has principal policy responsibility;
  - 6) The placement of the position on the organizational chart of the agency, board or commission;
  - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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**C. Requests for 4d(3) Exemption**

- As to Item C, this request is for the Deputy Director of the Cemetery and Funeral Oversight Program in the Department of Financial and Professional Regulation, a position that reports to the Director. This position is responsible for regulating and licensing cemeteries and cemetery managers as well as other employees under the new Cemetery Oversight Act. This Act was a result of the controversy surrounding Burr Oak Cemetery. This Act establishes a new regulatory scheme, removing some responsibilities that were previously with the Comptroller and placing them with the Illinois Department of Financial and Professional Regulation and expanding the scope of cemetery oversight. While there are currently 6000 licensed cemeteries in the State, it is estimated that there are up to 14,000 that will come under the scope of this new Act.

For these reasons, Staff recommended approval of this request. Chairman Kolker inquired whether this would result in the elimination of any regulatory positions in the Office of the Comptroller. Susan Gold, Chief of Staff, responded that it may since the agency would not be absorbing any such employees. Chairman Kolker also inquired as to the size of this program's staff and if there would be a downstate presence. Susan Gold responded that it is anticipated that this program would have 33 staff and an additional 14 added in other related areas of the agency such as the hearings and prosecutorial programs. The licensing function would be carried out from the Springfield office.

- As to Item D, this request is for the Deputy Director of the Bureau of Clinical Services of the Division of Developmental Disabilities in the Department of Human Services, a position that reports to the Director of Developmental Disabilities who reports to a statutory Assistant Secretary. This position is responsible for managing all aspects of the Clinical Services program within this Division for this client population. It would remove this programmatic responsibility from the Deputy Director position leaving him to focus more on policies for residential, day and support services as well as rate-setting methodologies and long-term planning for this 4000 employee Division. Also, this structure would mirror that of the Division of Mental Health which previously received approval from the Commission for its 4d(3) requests.

For these reasons, Staff recommended approval of this request. Chairman Kolker inquired as to the specific policy functions of the position. Lilia Teninty, Director of the Division of Developmental Disabilities, responded that it would include a variety of matters under Clinical Services such as Medicaid waivers, setting benchmarks for health care and increasing psychiatric services to the client population.

- As to Item E1, Executive Director Stralka advised the Commission that the agency requested that this request be continued to the June meeting. Staff had no objection to this request.

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- As to Item E2, Executive Director Stralka reported that this request is for the Manager of the Illinois Coastal Zone Program in the Department of Natural Resources, a position that reports to the Director. This position is responsible for the overall operation of the Coastal Zone Program, a program that has its foundation in the federal Coastal Zone Management Act of 1972. It appears that this program has as its basic function the management of \$2,000,000 in federal grant money. However, Staff has been unable to ascertain exactly what role this position plays in this process as the agency's response has not been able to differentiate this position's duties from that of a regular grant manager. In addition, information from the agency's website on this program lists a variety of positions that are involved with this program but this position is conspicuously absent. This absence has not been explained by the agency. Finally, Staff has concerns that these requests are part of a reorganization alluded to at February's meeting when the agency was advised not to proceed piecemeal with exemption requests related to any reorganization.

For these reasons, Staff recommended denial of this request. Michele Cusumano, Human Resources Director, replied that this position is not part of the agency's reorganization but a new office in Natural Resources. The State is decades behind other states in utilizing the provisions of this federal program. Chairman Kolker inquired as to specific provisions of this program. Michele Cusumano responded that it is to access federal funds available to the State for coastal zone management and improvements. Commissioner Ewell inquired whether funds that would have been available to Illinois have been going to other states, to which Michele Cusumano responded affirmatively. Commissioner Dalianis expressed concerns that the position lacks the principal policy responsibilities to justify exemption. It was the consensus of the Commissioners to continue this matter until the following month for the agency and Commission Staff to review the merits of this request. The agency concurred with this suggestion.

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO GRANT AND CONTINUE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

**The following 4d(3) exemption requests were granted on May 21, 2010:**

**C. Illinois Dept. of Financial and Professional Regulation**

Position Number	40070-13-40-700-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Cemetery and Funeral Oversight
Functional Title	Deputy Director of the Cemetery & Funeral Oversight Program
Incumbent	Vacant
Supervisor	Director
Location	Cook County

**D. Illinois Department of Human Services**

Position Number	40070-10-66-400-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Developmental Disabilities
Functional Title	Deputy Director of the Bureau of Clinical Services for the Division of Developmental Disabilities
Incumbent	Vacant
Supervisor	Director of Developmental Disabilities who reports to the Assistant Secretary, who in turn reports to the Secretary
Location	Sangamon County

**The following 4d(3) exemption requests were continued on May 21, 2010:**

**E1. Illinois Department of Natural Resources**

Position Number	40070-12-00-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Deputy Director
Incumbent	Vacant
Supervisor	Director
Location	Franklin County

**E2. Illinois Department of Natural Resources**

Position Number	40070-12-00-600-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Manager of the Illinois Coastal Zone Program
Incumbent	Vacant
Supervisor	Director
Location	Cook County

**F. Proposed rescissions in accordance with Section 1.142(b) of the Rules of the Civil Service Commission**

- As to Items F1-F17, Executive Director Stralka first noted that the reason these positions were included for proposed rescission was due to extended vacancy in excess of two years. On April 20, 2010 he provided notice to the Director of Central Management Services in accordance with Civil Service Commission Rules followed by letters to all affected agency directors notifying them of which positions may be placed on this month's agenda for rescission and why. These notices included 32 positions. Since that time, many telephone calls were placed and e-mails and correspondence exchanged with agency representatives about

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these proposed rescissions. Many issues were resolved during this initial period with these positions so that when it came time to finalize the agenda only 17 positions were included for the Commission to determine if their 4d(3) exemption should be rescinded. Unless otherwise noted, these positions are all vacant.

Executive Director Stralka reminded the Commissioners that its rules provide that rescissions shall be approved only after the Commission has determined that an adequate level of managerial control exists in exempt status which will insure responsive and accountable administrative control of agency programs. It was Commission Staff's position that such control exists for all these proposed rescissions.

- As to Items F1 and F12, the agencies represented that these positions are now filled. For that reason, Staff recommended to deny these proposed rescissions.
- As to Items F3 and F4, the agency has indicated it had no objection. For that reason, Staff recommended to approve these proposed rescissions.
- As to Items F2, F9, and F11, the agency provided an initial response contesting the proposed rescission. Executive Director Stralka responded to the agencies on May 11 requesting additional information. None of these three agencies further responded. For that reason, Staff recommended to approve these proposed rescissions. Executive Director Stralka noted that Item F9 was the Executive Director of the Interagency Committee on Employees with Disabilities (ICED) of which Chairman Kolker is an ex-officio member. Assistant Executive Director Barris confirmed that this position has never been filled.
- As to Item F5, the agency was present by telephone to contest the proposed rescission. Due to the extended vacancy of this position and the fact that it had previously been on the Commission's November 2009 agenda for rescission for the same reason, it remained Staff's recommendation to approve this proposed rescission. Susan Gold, Chief of Staff, stated that the position remained vacant due to a selected candidate making unreasonable salary demands. Commissioner Dalianis responded that it was his inclination to approve the rescission given the length of the vacancy.
- As to the remaining items (F6, F7, F8, F10, F13, F14, F15, F16, and F17), none of these agencies responded to the initial notice. For that reason, Staff recommended to approve these proposed rescissions.

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO RESCIND AND DENY THE RESCISSION OF THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

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**The following 4d(3) exemptions were rescinded on May 21, 2010:**

#	Agency	Position Number	Functional Title
F2	Commerce & Economic Op.	<del>40070-42-60-000-05-01</del> 40070-42-00-700-06-01 Position number change received May 14, 2010	Assistant Deputy Director, Technology & Industrial Competitiveness
F3	Corrections	40070-29-64-200-00-01	Asst. Warden Prog.-Thomson
F4	Corrections	40070-29-64-300-00-01	Asst. Warden Ops.-Thomson
F5	Fin & Prof Reg.	40070-13-20-400-00-01	Credit Unions
F6	Healthcare	40070-33-05-000-00-61	Chief, Healthcare Purchasing
F7	Historic Pres.	40070-48-54-000-00-01	ALPLM Manager of Guest Services
F8	Historic Pres.	40070-48-55-000-00-01	ALPLM Manager of Museum Programs
F9	Human Rights	40070-49-00-000-01-02	ICED Director
F10	Human Services	40070-10-76-000-30-01	Manager-Admin Services Organization Contracts
F11	Juvenile Justice	40070-27-00-200-00-01	Deputy Director-Division of Program Services
F13	Revenue	40070-25-00-000-20-01	Chief of Labor Relations
F14	Revenue	40070-25-50-000-00-01	Manager, Tax Enforcement
F15	Revenue	40070-25-90-000-01-01	Associate Director
F16	Shared Services Center	40070-25-44-200-00-01	Administrative & Regulatory SSC, CFO of Strategic Processes
F17	State Police	40070-21-11-000-00-01	Director of Human Resources

**The following 4d(3) exemption rescissions were denied on May 21, 2010:**

#	Agency	Position Number	Functional Title
F1	Child & Family	40070-16-18-000-00-01	Deputy Director-Child Protection
F12	Natural Res.	40070-12-04-000-00-01	Executive Dir., World Shooting

V. CONSIDERATION OF THE STATUS OF PRIVATE SECRETARIES EXEMPT FROM JURISDICTION B OF THE PERSONNEL CODE

- No discussion; continued to June 18, 2010 meeting.

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VI. CLASS SPECIFICATIONS

- None submitted.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.**

VII. MOTION TO GO INTO EXECUTIVE SESSION

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.**

<b>KOLKER</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>PETERSON</b>		<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

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VIII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 400 W. Monroe Street, Suite 406, Springfield, Illinois at 3:37 p.m.

PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Betty A. Bukraba, and Ares G. Dalianis (by telephone), Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; and Ed Thornton, Bonnie Camacho, and Greg Yurevich.

IX. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Report.

Agency	3/31/10	<b>4/30/10</b>	4/30/09
Aging	1	<b>1</b>	1
Central Management Services	0	<b>0</b>	2
Children and Family Services	2	<b>6</b>	9
Criminal Justice Authority	0	<b>0</b>	1
Employment Security	2	<b>3</b>	3
Healthcare and Family Services	2	<b>1</b>	17
Historic Preservation Agency	1	<b>1</b>	0
Human Services	0	<b>2</b>	1
Law Enforcement Training Standards Board	0	<b>0</b>	1
Natural Resources	1	<b>1</b>	0
Property Tax Appeal Board	0	<b>1</b>	0
Transportation	10	<b>0</b>	3
Veterans' Affairs	0	<b>0</b>	2
Workers' Compensation Commission	0	<b>0</b>	1
Totals	19	<b>16</b>	41

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X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• DISCHARGE

DA-9-10

Employee	Rex DeLa Cruz	Appeal Date	09/17/09
Agency	DHS	Decision Date	05/07/10
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming	Proposal for Decision	Charges are proven and warrant discharge.

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES ARE PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MAY 7, 2010.**

<b>KOLKER</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>PETERSON</b>		<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

• DISCHARGE

DA-15-10

Employee	Bonnie Camacho	Appeal Date	10/30/09
Agency	DHS	Decision Date	05/07/10
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Neglect of duty	Proposal for Decision	Charges are proven and warrant 60-day suspension.

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO MODIFY AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES ARE PROVEN AND WARRANT A 30-DAY SUSPENSION IN LIEU OF DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MAY 7, 2010. CAMACHO'S SIGNIFICANT CONTINUOUS SERVICE, HER POSITIVE PERFORMANCE RECORD, AND HER ACTIONS IN RESPONDING TO THE RESIDENT'S NEEDS AND DOCUMENTING IT IN ALL WAYS WITH THE EXCEPTION OF REPORTING IT TO THE OFFICE OF INSPECTOR GENERAL ALL WEIGH IN FAVOR OF A LESS SEVERE SUSPENSION. THE NATURE OF HER PRIOR 20-DAY SUSPENSION – WHILE WARRANTING SOME DISCIPLINE – WAS ALSO A CONSIDERATION AS SUCH A LENGTHY**



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XI. STAFF REPORT

- Executive Director Stralka advised the Commissioners that the Benefit Choice period was expiring at the end of this month.
- Executive Director Stralka had earlier provided the Commissioners with a copy of the confidential draft report on principal policy exemptions as called for in House Resolution 140. After a general discussion in which all Commissioners participated, it was the consensus of the Commissioners not to request an exit conference and for Executive Director Stralka and Chairman Kolker to prepare a written response to be submitted by the due date. Commissioner Dalianis requested that he be provided a copy of the written response prior to its submission.
- Assistant Executive Director Andrew Barris reported that the Appellate Court upheld the Circuit Court's decision when it reversed the Civil Service Commission's decision to uphold Michael Hogan's discharge (Michael K. Hogan, Plaintiff vs. Illinois Department of Corrections et al., Defendants, (4-09-0390, 07-MR-509, and DA-5-07)).

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Friday, June 18, 2010 in the Commission's Chicago office.

XIII. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 3:45 P.M.**